

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AL'CLIFFORD L. WINFREY,

Plaintiff,

Case No. 04-72388

v.

District Judge Gerald E. Rosen
Magistrate Judge R. Steven Whalen

ROBERT NILL, et al.,

Defendant.

ORDER GRANTING MOTION TO AMEND COMPLAINT

Before the Court is Plaintiff's Motion for Leave to File Amended Complaint [Docket #29], in which he seeks to merely drop Defendants Topp, Kibler and Doe, "and name Robert Nill in his individual and official capacity as the sole Defendant in this matter."¹

Fed.R.Civ.P. 15(a) states that after a responsive pleading is filed, a complaint may be amended only by leave of the court, and that "leave shall be freely given when justice so requires." Plaintiff does not ask to amend any of the substantive allegations against Defendant Nill, but rather only seeks to drop the other Defendants, two of whom have not been served. Therefore, no prejudice would inure to Defendant Nill if the Complaint were

¹On April 4, 2005, the undersigned filed a Report and Recommendation that the Complaint be dismissed as to Kibler and Doe based of Plaintiff's failure to timely serve those Defendants with a complaint and summons.

so amended. Accordingly,

IT IS ORDERED that Plaintiff's Motion to Amend Complaint [Docket #29] is GRANTED, to reflect that Robert Nill, named in his individual and official capacities, is the sole remaining Defendant.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 5, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 5, 2005.

s/Gina Wilson
Judicial Assistant